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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

UNITED STATES OF AMERICA,) CASE NO. CR 15-00149 HSG
Plaintiff,)
v.) **STIPULATED REQUEST AND ORDER TO**
HUGO JOHN SCHERZBERG,) **EXCLUDE TIME UNDER THE SPEEDY TRIAL**
Defendant.) **ACT, 18 U.S.C. § 3161 ET SEQ.**

A status hearing was held on December 14, 2015, in the above-captioned matter. For the reasons stated before the Court during the status hearing, and as set forth below, the parties stipulated, and the Court found, that an exclusion of time was appropriate under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), between December 14, 2015, and January 11, 2016. In support of this exclusion of time, the parties hereby stipulate as follows:

1. On May 20, 2015, the government provided the defense approximately 126 pages of discovery. Additional discovery was provided on November 9, 2015.

2. More discovery is available for inspection by the defense.

3. The parties have engaged in plea negotiations and, through this negotiation process, issues relating to potential defenses and sentencing mitigation have arisen.

1 4. Additional time is required for the defense to conduct additional legal research
2 and provide necessary legal advice, including consideration of a potential resolution by plea
3 agreement.

4 5. The Court may appropriately find that the ends of justice served by continuing
5 this matter to January 11, 2016, outweigh the best interests of the public and the defendant in a
6 speedy and public trial because failure to grant such a continuance would deny defense counsel
7 reasonable time for effective preparation, taking into account the exercise of due diligence.

8 WHEREFORE, the parties request that the Court exclude time from computation under the
9 Speedy Trial Act, 18 U.S.C. §§ 3161(h) (7)(A) and (B)(iv), from December 14, 2015, through January
10 11, 2016.

11 DATED: January 11, 2016

Respectfully submitted,

12 BRIAN J. STRETCH
13 Acting United States Attorney

14 _____
15 /s/
16 ANDREW S. HUANG
17 Assistant United States Attorney

18 _____
19 /s/
20 JEROME MATTHEWS, Esq.
21 Assistant Federal Public Defender
22 Counsel to Defendant Scherzberg

23 **SO ORDERED.**

24 January 11, 2016

25 Date

26 
27 Hon. HAYWOOD S. GILLIAM, Jr.
28 United States District Judge